



## RECEIVED

FEB 2 7 2002

Patent 257/019US

## **TECH CENTER 1600/2900**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James M. Lipton

Serial No.: 09/774,282

Filed: January 29, 2001

For: A COMPOUND AND METHOD OF

TREATMENT FOR FUNGAL

PATHOLOGIES OF THE ORAL CAVITY

Group Art Unit: 1646

Examiner: Not Yet Assigned

RECEIVED

FEB 2 7 2002

**TECH CENTER 1600/2900** 

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Supplemental Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

#### INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.

[	However, if the undersigned is in error in that the Office consider this IDS as filed unstatement under 37 CFR § 1.97(e) is included	nder 37 CFR § 1.97(c), if applicable, and a
	PAYMENT AND/OR AUTHORIZATION	N TO CHARGE FEES:
	A check in the amount of is enclosed for the a	above fee(s).
	Please charge to Deposit Account No. 12-247	5 for the above fee(s).
The Con	ommissioner is authorized to charge any fees required	by the filing of these papers, and to credit
any over	erpayment to Lyon & Lyon's Deposit Account No. 12	2-2475.
		Respectfully submitted, LYON & LYON LLP
Dated:		Sandra Fujiyama Reg. No. 46,713

LYON & LYON LLP 633 W. Fifth Street, Suite 4700 Los Angeles, CA 90071

22249

1646

Patent

Attorney Docket: 257/019

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James M. Lipton

Serial No.: 09/774,282

Filed: January 29, 2001

For: A COMPOUND AND METHOD

TREATMENT FOR FUNGAL PATHOLOGIES OF THE ORAL

**CAVITY** 

Group Art Unit: 1646

Examiner: To Be Assigned

RECEIVED

FEB 2 7 2002

**TECH CENTER 1600/2900** 

#### TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

#### I. DOCUMENTS ENCLOSED:

Applicant submits the following documents with this Transmittal Letter.

- (1) Information Disclosure Statement;
- (2) Form PTO-1449; and
- (3) References AA and DU.

LA-217629.1

# CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 12, 2001

Date of Deposit

Rachel Marquez
Name of Person Mailing Paper

Signature of Person Mailing Paner

Attorney Docket: 257/019US

II.	REQU	<b>EST FOR</b>	<b>EXTENSION</b>	OF TIME:
-----	------	----------------	------------------	----------

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.13	6
apply.	

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)		FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY		
	one month	\$55.00	\$110.00		
	two months	\$195.00	\$390.00		
	three months	\$445.00	\$890.00		
	four months	\$695.00	\$1,390.00		
	five months	\$945.00	\$1,890.00		

Fee

If any extension fee is required, please consider this a petition therefor.

#### III. FILING FEES

ì.

Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILIN	G FEE:							\$0.00
Total Claims	0	-	20	=	0	х	\$18.00	\$0.00
Independent Claims		-	3	=	0	х	\$80.00	\$0.00
Multiple Dependent Claims	\$270	(if	applic	able	:)			\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if	applio	able	:)			\$0.00
TOTAL OF ABOVE CALC	ULATIO	NS						\$0.00
Reduction by ½ for Filing by S 1.28.	Small Enti	ty. N	ote 37	CF	R §§	1.9,	1.27,	\$0.00
Extension of Time (from above	e)	·						\$0.00
Assignment \$40 (if applicat	ole)							\$0.00
TOTAL FEES	SUBMIT	TED	HEF	ŒW	TH			\$0.00

#### IV. METHOD OF PAYMENT OF FEES:

A check in the amount of is enclosed to cover the above fee(s).
Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$

Attorney Docket: 257/019US

The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: 11107

By:

Sandra Fujiyama

22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP Suite 4700 633 W. Fifth Street Los Angeles, CA 90071 (213) 489-1600